

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	CIVIL ACTION NO. 1:17-cv-11860
)	
Plaintiff,)	
)	
-and-)	
)	
MARGARITA FUENTES, MIRNA PACAJA,)	ORAL ARGUMENT REQUESTED
and ESDEYRA ROSALES,)	
Plaintiffs-in-Intervention)	
)	
v.)	
)	
ATLANTIC CAPES FISHERIES, INC. and,)	
BJ'S SERVICE CO., INC.)	
)	
Defendants.)	

**PLAINTIFF EEOC'S MOTION FOR PROTECTIVE ORDER REGARDING RULE
30(B)(6) DEPOSITION AND DEPOSITION OF FORMER EEOC INVESTIGATOR**

Pursuant to Federal Rule of Civil Procedure 26(b)(2)(C) and (c)(1), Plaintiff U.S. Equal Employment Opportunity Commission ("EEOC") hereby moves for a protective order. For the reasons set forth in Plaintiff's accompanying memorandum of law, filed herewith, EEOC respectfully requests that this Court enter an order quashing the Rule 30(b)(6) deposition noticed by Defendant BJ's Service Co., Inc. ("BJ's") and similarly prohibiting BJ's from taking the deposition of former EEOC investigator, Lawrence Angelo.¹

EEOC's motion should be granted. The discovery BJ's seek through these depositions concerns matters that are 1) irrelevant to the claims and defenses in this litigation and not proportional to the needs of the case; 2) subject to the governmental deliberative process

¹ In the alternative, EEOC seeks an order, pursuant to Fed. R. Civ. P. 45(d)(3), quashing any future subpoena for deposition testimony issued to Mr. Angelo.

privilege, attorney-client privilege or constitute attorney work product; 3) confidential by statute; and/or 3) are cumulative, duplicative and seek information available through less expensive and less burdensome means, including the non-privileged portions of EEOC's investigative files, which have already been produced, and the depositions of first-hand witnesses to the facts in this case, many of whom have already been deposed. The deposition notices at issue are attached to the Declaration of Sara Smolik, filed herewith, as Exhibits 13 and 14, respectively.

For the reasons stated in EEOC's accompanying memorandum of law, this motion should be granted.

Date: August 2, 2018

Respectfully submitted,

/s/ Sara Smolik
SARA SMOLIK (BBO#661341)
Senior Trial Attorney
U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Boston Area Office
John F. Kennedy Federal Building
Room 475
Boston, MA 02203-0506
(617) 565-3207 (telephone)
(617) 565-3196 (fax)
sara.smolik@eeoc.gov

ADELA SANTOS
Senior Trial Attorney
U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
New York District Office
33 Whitehall Street, 5th Floor
New York, NY 10004-2112
(212) 336-3696
adela.santos@eeoc.gov

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2018 I electronically filed the foregoing with the Clerk of the District Court using its CM/ECF system, which then electronically notified all those registered as CM/ECF participants in this case.

/s/ Sara Smolik
Sara Smolik

CERTIFICATE OF COMPLIANCE WITH L.R. 37.1

I hereby certify that Plaintiff has complied with the requirements of Local Rule 37.1 prior to filing this motion.

/s/ Sara Smolik
Sara Smolik

CERTIFICATE OF COMPLIANCE WITH L.R. 7.1

I hereby certify that Plaintiff conferred with Defendant BJ's on the subjects of this motion and attempted, in good faith, to resolve or narrow the issues presented herein.

/s/ Sara Smolik
Sara Smolik